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Attorneys for Defendant Cisco Systems, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MULTIVEN, INC., a Delaware Corporation,  
  
Plaintiff,  
  
v.  
  
CISCO SYSTEMS, INC., a California  
corporation,  
  
Defendant.

CASE NO. C08-CV-05391-JW

**STIPULATION AND [PROPOSED] ORDER EXTENDING DEFENDANT'S TIME TO RESPOND TO THE COMPLAINT AND MODIFYING THE DATE OF THE CASE MANAGEMENT CONFERENCE**

IT IS HEREBY STIPULATED, pursuant to Northern District of California Local Rules 6-1(a), 6-2, 7-12, and 16-2(e) by and between Plaintiff Multiven, Inc. and Defendant Cisco Systems, Inc., by and through their attorneys, as follows:

WHEREAS, Plaintiff Multiven, Inc. filed its Complaint on December 1, 2008;

WHEREAS, the parties previously modified the date of the case management conference by stipulation and order on December 29, 2008;

WHEREAS, the parties previously extended Defendant Cisco Systems, Inc.'s time to respond to the complaint by stipulation and order on December 29, 2008 and March 11, 2009;

1 WHEREAS, the parties agree that they need more time to develop and discuss the facts of the  
2 case and counterclaims Defendant Cisco Systems, Inc. expects to file against Plaintiff Multiven, Inc.

3 WHEREAS, pursuant to Northern District of California Local Rule 6-1(a), Plaintiff Multiven,  
4 Inc. agrees that Defendant Cisco Systems, Inc. shall have until and including May 1, 2009 to move,  
5 answer, or otherwise respond to the complaint;

6 WHEREAS, the case management conference is presently set for May 4, 2009;

7 WHEREAS, the parties are presently scheduled to submit a Joint Case Management  
8 Statement on April 24, 2009;

9 WHEREAS, both parties agree that the case management conference should be continued to  
10 permit the parties to confer regarding the facts in this case;

11 WHEREAS, both parties agree that, pursuant to Northern District of California Local Rule  
12 16-2(e), the case management conference shall be on or after June 1, 2009, or a date as soon  
13 thereafter as is convenient for the Court;

14 WHEREAS, both parties agree that, pursuant to Northern District of California Local Rule  
15 16-2(e), the Joint Case Management Statement shall be due ten calendar days before the case  
16 management conference.

17 NOW, THEREFORE, the parties, by and through their counsel of record, stipulate that, if  
18 acceptable to the Court:

- 19 1. Defendant Cisco Systems, Inc. shall have until and including May 1, 2009 to move,  
20 answer, or otherwise respond to the complaint;
- 21 2. The case management conference shall be on or after June 1, 2009, as is convenient  
22 for the Court; and
- 23 3. The parties' Joint Case Management Statement shall be due ten calendar days before  
24 the case management conference.

25 IT IS SO STIPULATED.

26 ///

27 ///

28 ///

1 DATED: March 26, 2009

2 GIBSON, DUNN & CRUTCHER LLP  
3 Robert E. Cooper  
4 George A. Nicoud III  
5 Austin V. Schwing

6 By: /s/ George A. Nicoud III  
7 George A. Nicoud III

8 Attorneys for Defendant  
9 CISCO SYSTEMS, INC.

10 DATED: March 26, 2009

11 BLECHER & COLLINS, P.C.  
12 Maxwell M. Blecher  
13 Donald R. Pepperman  
14 James Robert Noblin

15 By: /s/ Maxwell M. Blecher  
16 Maxwell M. Blecher


17 Attorneys for Plaintiff  
18 MULTIVEN, INC.

19 **ORDER**

- 20 1. Defendant Cisco Systems, Inc. shall have until and including May 1, 2009 to move, answer, or  
21 otherwise respond to the complaint;  
22 2. The case management conference shall be on June 1, 2009 at 10:00 AM;  
23 3. The parties' Joint Case Management Statement shall be due ten calendar days before the case  
24 management conference.

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 Dated: March 27, 2009

27   
28 UNITED STATES DISTRICT JUDGE  
JUDGE JAMES WARE

**ATTESTATION PURSUANT TO GENERAL ORDER NO. 45**

Pursuant to General Order No. 45 of the Northern District of California, I attest that concurrence in the filing of the document has been obtained from each of the other signatories to this document.

By: /s/ George A. Nicoud  
George A. Nicoud

## DECLARATION OF SERVICE

I, Robin McBain, declare as follows:

I am employed in the County of San Francisco, State of California; I am over the age of eighteen years and am not a party to this action; my business address is 555 Mission St., Ste. 3000, San Francisco, California 94105, in said County and State. On March 26, 2009, I served the within:

**\*\* STIPULATION AND [PROPOSED] ORDER EXTENDING DEFENDANT'S TIME TO RESPOND TO THE COMPLAINT AND MODIFYING THE DATE OF THE CASE MANAGEMENT CONFERENCE;**

**\*\* DECLARATION OF GEORGE A. NICOUD III IN SUPPORT**

to all named counsel of record as follows:



**BY ECF (ELECTRONIC CASE FILING):** I e-filed the above-detailed documents utilizing the United States District Court, Northern District of California's mandated ECF (Electronic Case Filing) service on March 26, 2009. Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the documents upon confirmation of e-filing.

I also served the within to the below-listed parties not registered for e-filing as follows:



**BY U.S. MAIL:** I placed a true copy in a sealed envelope addressed to the below-named parties, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

### Attorneys for Plaintiff

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I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s) were printed on recycled paper, and that this Certificate of Service was executed by me on March 26, 2009, at San Francisco, California.

By /s/Robin McBain  
Robin McBain

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